

REMARKS

The above claim amendments are submitted along with the following remarks to be fully responsive to the outstanding Office Action mailed October 28, 2005. It is further submitted that this response is timely filed within the three month shortened statutory period as extended by the One-Month extension of time filed herewith. Reconsideration of all outstanding grounds of objection and rejection and allowance of the subject application are respectfully requested.

First, the Examiner is thanked for conducting a telephonic interview with the undersigned on February 22, 2006, during which the prior art and the claims were discussed. Additionally, proposed amendments to the claims were discussed. The claim amendments discussed are reflected herein.

Claims 1, 7-10, 13-17, 20, 22, and 23 were rejected under 35 U.S.C. § 103(a) as unpatentable over Cox (U.S. Patent No. 5,879,278). As amended, claims 1 and 23 recite methods of making sealing members by cutting them from a sheet in a particular pattern. Each of the sealing members includes a base portion includes two extending tabs and a center point. The pattern into which these sealing members are arranged includes positioning a first sealing member with one of its tabs extending into a space between the base portions of second and third sealing members. The pattern further includes a first reference line that extends diagonally relative to the travel direction of the sheet (e.g., reference line 62) and a second reference line that is generally perpendicular to the first reference line (e.g., reference line 68), where the first reference line intersects the center point of the base portion and the longitudinal centerlines of two extending tabs of the first and fourth sealing members and where the second reference line extends through the center point of the base portions of the second and third sealing members. As shown and described relative to Figure 3 of the present application, for example, the distance between the center points of the first and fourth sealing members is greater than the distance between the center points of the second and third sealing members. Cox fails to teach or suggest such an arrangement, as described below.

Cox describes a method of making liners for containers from a sheet of material. The only mention in Cox of any type of extending members or tabs is in the background section of the patent, in which Cox recognizes that generally round liners can have

protrusions for pull tabs or tabs that lock the liner into a closure, such as a screw cap. As recognized by the Examiner, Cox fails to disclose the positioning of any tabs or extending elements, and Applicants note that there is no further discussion of the use of such extending elements anywhere else in the Cox reference. Thus, this general mention of extending tabs on liners in the background of Cox does not disclose any facts that are not already admitted by Applicants to be known in the art. However, Cox does not suggest any type of manufacturing method that involves the relative positioning of tabs that extend from sealing members on a sheet, as is specifically set out in the present claims. Further, even if Applicants were to agree with the Examiner's position that it would be obvious to position sealing members so that any tabs and base portions are not touching, this presumption still does not suggest the positional relationship of the present claims 1 and 23. In particular, Cox makes no suggestion of any positional relationship of its liners that would include first and second reference lines arranged perpendicular to each other, where one of these reference lines extends through the base portion and centerline of the extending tabs of first and fourth sealing members while the other of the reference lines extends through the center point of the base portions of second and third sealing members, and further where an extending tab of that first sealing member extends into a space between the second and third sealing members. Because Cox does not even suggest this positional relationship, it follows that there is also no suggestion in Cox that the distance between the center points of first and fourth sealing members would be greater than the distance between the center points of second and third sealing members that are arranged in the manner discussed above. Accordingly, independent claims 1 and 23, and claims 7-10, 13-17, and 20, which depend therefrom, are believed to be allowable over Cox, and withdrawal of the rejection thereof is respectfully requested.

In addition, claim 22 was amended to specify that at least one of the tab portions of each of the sealing members includes a curved distal end portion. This curved end is shown in Figure 3 and described in the specification on page 14, lines 13-27 as being provided to further decrease the amount of space needed between adjacent sealing members because the curved surface can be positioned closer to adjacent, curved surfaces without interfering with such surfaces. Because Cox does not discuss any shapes for

extending tabs that may be provided, claim 22 is allowable over Cox and withdrawal of the rejection thereof is respectfully requested.

Claims 2-6 and 12 were rejected under 35 U.S.C. § 103(a) as unpatentable over Cox in further view of Williams (U.S. Patent No. 3,206,017). The limitations of claim 2, which is cancelled, were incorporated into claim 1, along with a portion of the limitations of claim 4. Further, claim 5 was amended to delete a redundancy in the claim as originally submitted. In any case, because the cancellation of claim 2 renders this rejection moot relative to this claim, the rejection now applies to claims 3-6 and 12. In that regard, Williams is cited for its disclosure of lids 12 having ears 22 that are oriented diagonally across a sheet of material so that the ears of adjacent lids do not interfere with one another. However, nothing in Williams teaches or suggests the positional relationship of the present claim 1, from which claims 3-6 and 12 depend. That is, Williams also fails to suggest that the center points of first and fourth sealing members are spaced at a greater distance from each other than the distance between the center points of the second and third sealing members. In fact, Williams only illustrates its lids being equally spaced from each other. Thus, claims 2-6 and 12 are allowable over Cox in view of Williams. For the same reasons, claims 1, 7-10, 13-17, 20, 22, and 23 are also believed to be allowable under 35 U.S.C. § 103(a) over Cox in view of Williams in that Williams does not cure the deficiencies of Cox in failing to teach or suggest the positional relationship of sealing members set out in these claims.

Claims 11, 18, and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Cox in view of Giles et al. (U.S. Patent No. 4,960,216). Claims 11, 18, and 19 were also rejected under 35 U.S.C. § 103(a) as unpatentable over Cox in view of Williams and further in view of Giles et al. The disclosure in Giles et al. of two discrete sheets of material and of certain material choices for the sheets does nothing to cure the deficiencies of Cox and/or Williams relative to the positional relationship of the sealing members of claim 1, from which claims 11, 18, and 19 depend. Thus, claims 11, 18, and 19 are believed to be allowable over Cox in view of Giles et al. and/or Williams.

Claim 21 was rejected under 35 U.S.C. § 103(a) as unpatentable over Cox in view of Knudsen (U.S. Patent No. 4,095,390). Claim 21 was also rejected under 35 U.S.C. § 103(a) as unpatentable over Cox in view of Williams and further in view of Knudsen.

The disclosure in Knudsen of induction sealing methods does nothing to cure the deficiencies of Cox and/or Williams relative to the positional relationship of the sealing members of claim 1, from which claim 21 depends. Thus, claim 21 is believed to be allowable over Cox in view of Knudsen and/or Williams.

Accordingly, it is submitted that presently pending claims 1 and 3-23 are currently in condition for allowance, a notice of which is earnestly solicited. The Examiner is invited to contact the undersigned, at the Examiner's convenience, should the Examiner have any questions regarding this communication or the present patent application.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Kagan Binder deposit account No. 50-1775 and notify us of the same.

Respectfully Submitted,

Dated: 2/28/06

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